

Calendar No. 1445

77TH CONGRESS }
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SENATE

{ REPORT
No. 1402

VALIDATING A CERTAIN CONVEYANCE HERETOFORE MADE BY
THE SOUTHERN PACIFIC RAILROAD CO. IN THE TOWN OF INDIO,
COUNTY OF RIVERSIDE, CALIF.

MAY 26, 1942.—Ordered to be printed

Mr. HATCH, from the Committee on Public Lands and Surveys,
submitted the following

REPORT

[To accompany H. R. 2307]

The Committee on Public Lands and Surveys, to whom was referred the bill (H. R. 2307) validating a certain conveyance heretofore made by the Southern Pacific Railroad Co., a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain portions of right-of-way in the town of Indio, in the county of Riverside, State of California, acquired under section 23 of the act of March 3, 1871 (16 Stat. 573), having considered the same report favorably thereon without amendment and with the recommendation that the bill do pass.

Facts concerning this proposed legislation are set forth in the report of the Department of the Interior to the chairman of the Committee on the Public Lands of the House of Representatives, which report is hereinbelow set forth in full and made a part of this report.

THE SECRETARY OF THE INTERIOR,
Washington, February 20, 1941.

Hon. J. W. ROBINSON,
*Chairman, Committee on the Public Lands,
House of Representatives.*

MY DEAR MR. ROBINSON: Further reference is had to your letter of January 18, requesting a report on H. R. 2307, a bill validating a certain conveyance, heretofore made by the Southern Pacific Railroad Co., a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain portions of right-of-way in the town of Indio in the county of Riverside, State of California, acquired under section 23 of the act of March 3, 1871 (16 Stat. 573). A favorable report was made by this Department on March 23, 1939, upon H. R. 3560, Seventy-sixth Congress, first session, a bill dealing with the same subject.

I have no objection to the enactment of the proposed legislation.

It appears that on December 15, 1937, the company conveyed to A. L. Wood et al. a portion of its right-of-way in the town of Indio, Riverside County, Calif., notwithstanding the fact that the grant gave the company but a limited fee in the right-of-way without the power of alienation (190 U. S. 267).

Had legislation similar to H. R. 2307 been introduced prior to 1922, the measure would have involved the relinquishment by the United States of a possibility of reverter, for upon abandonment or forfeiture of the right-of-way, the land would have reverted to the United States. The act of March 8, 1922 (42 Stat. 414; 43 U. S. C. 912), however, provides that if a railroad right-of-way is abandoned, title to land within it vests in the legal holder of the property servient to the right-of-way, unless the Congress by statute has validated and confirmed conveyances of portions of the right-of-way made by a railroad company prior to abandonment.

The enactment of H. R. 2307, therefore, will not be a grant by the United States of an interest in the land, but will constitute merely such a confirmation of a conveyance by a railroad company of a portion of its right-of-way as is contemplated by the second proviso of the act of March 8, 1922, *supra*.

The bill provides that its passage shall not operate to diminish the right-of-way to a width of less than 50 feet on either side of the center of the main track or tracks of the Southern Pacific Railroad Co. It also reserves to the United States all oil, coal, and other minerals on the land, with the right to prospect for, mine, and remove the same under such rules and regulations as the Secretary of the Interior may prescribe.

The Director of the Bureau of the Budget has advised me that there is no objection to the presentation of this report.

Sincerely yours,

A. J. WIRTZ,
Acting Secretary of the Interior.

